

Attorney Docket No. 06618-414001  
Serial No. 09/496,137  
Amendment dated March 24, 2004  
Reply to Office Action dated December 24, 2003

REMARKS

Reconsideration and allowance of the above-referenced application are respectfully requested.

Initially, the indication that claims 2-3, 5-7, 18-20, and 31 represent allowable subject matter is appreciatively noted. Claims 2, 5, 7, 18, 19 and 20 have each been amended into independent form. The arguments for patentability made herein do not apply to these now-allowable claims.

Claims 1, 4, 8-17 and 21-26 stand rejected under 35 USC 103(a) as allegedly being unpatentable over Daniels in view of Iwamura. This contention is respectfully traversed, and for reasons set forth herein, it is respectfully suggested that the rejection does not meet the Patent Office's burden of providing a prima facie showing of unpatentability.

Daniels teaches a system that allows three-dimensional painting on a simulated surface. A three-dimensional geometric object is taken and a user can paint each of the points on the three-dimensional object. For example, this allows painting a three-dimensional object, and the model may be rotated to see the different portions of the three-dimensional object.

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Iwamura is provided to show a remote control system which uses the users hand as part of the controlling. Therefore, the hypothetical combination would use a Daniels' type basic three-dimensional painting system, with the tracking of the user's hand as described by Iwamura. However, the references do not show or suggest what is now claimed.

In fact, there is a significant difference between Daniels in view of Iwamura and the present claims. Daniels in view of Iwamura takes existing models and applies three-dimensional strokes of paint to them. In contrast, claim 1 forms three-dimensional model surfaces, adding shapes based on hand movements. While both use three-dimensional strokes, the operation is entirely different.

Nowhere does either Daniels or Iwamura teach or suggest "forming a three-dimensional model surface by adding shapes defined by hand movements...". Rather, the basic reference to Daniels only teaches painting, or changing the color of that surface. It does not teach forming the surface itself. It does not teach adding shapes. Therefore, claim 1 should be allowable along with the claims that depend therefrom.

The above has argued as though Iwamura teaches exactly a system that tracks the positions of the user's hand. However, while Iwamura does monitor the image of a hand, he teaches

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nothing about using those hand movements to form three-dimensional shapes. According to claim 1, the hand movement is used to form three-dimensional shapes; the simple hand tracking, in Iwamura (for controlling a remote control) could not be used for that purpose.

Therefore, and for these reasons, it should be seen that there are significant differences between the presently claimed system, and the hypothetical combination of prior art.

Each of the dependent claims which depend from claim 1 should be allowable for similar reasons to those described above with respect to claim 1, as well as on their own merits. For example, claim 10 defines props, with claim 11 defines tongs that can be used to manipulate the object. This is in no way taught or suggested by the cited prior art.

Claim 26 defines tracking hands and "forming a three-dimensional modeled surface by adding shapes defined by hand movements". As described above, this is in no way taught or suggested by Daniels either alone or in view of Iwamura.

Claims 27 and 29 stand rejected over Daniels. As described above, Daniels teaches nothing about the adding surface regions; it only teaches painting those surface regions. Therefore, Daniels teaches nothing about a system which "incrementally adds

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surface regions...". Therefore, claim 27 should be additionally allowable.

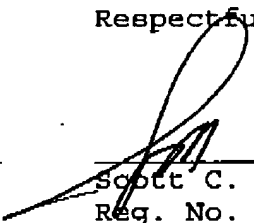
Claim 29 should be allowable for similar reasons; specifically, claim 29 defines using a hand to define a shape to be added. Daniels teaches nothing about the adding any shape; it only teaches painting an existing shape. Therefore, these claims should be allowable for these reasons.

In view of the above amendments and remarks, therefore, all of the claim should be in condition for allowance. A formal notice to that effect is respectfully solicited.

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Respectfully submitted,

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